

**ADMINISTRATIVE PROCEDURES**

**SECTION (11)**

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**Purpose of this Section:**

The AACS maintains personnel files on current and past employees. Personnel records are confidential and may not leave the Personnel Department.

**Procedure:**

- (1) Present or past AACS employees may examine their personnel files in the presence of the Executive Director or the Personnel and Orientation Director.
- (2) Employees may examine and request copies of information in their files by:
  - Writing a request to the Executive Director
  - Scheduling an appointment with the Personnel and Orientation Director
  - Paying the cost of copying the required information
  - Signing a statement reflecting the review date/time, fees charged, and document(s) copied.

Generally speaking, the Courts have interpreted the *information* in one's personnel file to be the property of the employee, but the paper/files on/in which the information is recorded belongs to the agency. Thus, employees *must* have access to their information and must clear its release. But the agency is permitted to restrict its viewing and charge an individual for copying his/her records.

- (3) Employee personnel files contain information required by federal, state, and local laws. Additional information may include:
  - Employment application
  - Employment status changes
  - References (References remain confidential and separate from the employee's personnel file. These are not available for employee review.)
  - Improvement plans
  - Training certificates and/or graduation degrees
  - Performance appraisals
  - Tax withholding documents
  - Disciplinary actions
  - Other documents mandated by law or agency needs.
- (4) General personnel inquiries should be directed to the Personnel and Orientation Director.

- (5) All reference checks— whether employment verification, credit check, or other— shall be referred to the Personnel and Orientation Director for handling.
- (6) Personnel files are AACS property, and the employee's confidential information is restricted. Organizations requesting employee reference information must inquire in writing. Employees shall sign a release of information waiver enabling information to be released by mail, telephone, or fax. Otherwise, only dates of employment, wage information, position titles, and job descriptions are ordinarily confirmed on outside reference requests.
- (7) Letters of admonishment shall be destroyed after serving their purpose for which they were intended (usually 6-12 months). Disciplinary notices and reprimand letters will be retained for two (2) years before they may be removed and destroyed on employee requests. All other documentation resides permanently in the employee's personnel file.

**Purpose of this Section:**

The agency requires the cooperation of its employees to promptly notify the Personnel Department to report changes in their personal data and information-of-record.

**Procedure:**

- (1) Accurate employee information on a change in name due to marriage, divorce, or change in dependents requires completing new state and federal tax forms.
- (2) Marital status, mailing addresses, telephone numbers, insurance status, retirement, number and names of dependents, individual(s) to contact in an emergency, educational accomplishments, and other personal information are required to be maintained in AACS personnel files.

**Purpose of this Section:**

The AACS encourages employees to submit constructive suggestions for improving agency operations, programs, services, and/or facilities.

**Procedure:**

- (1) Constructive suggestions may include:
  - Improving agency policies, procedures, guidelines, and/or benefits
  - Improving use of agency facilities
  - Reducing agency supply, material, and operating expenses
  - Preventing fraud, waste, and abuse
  - Motivating improved employee performance
  - Reducing environmental waste and energy consumption
  - Addressing ideas that best fulfill the agency's Mission.
- (2) Employees should address their suggestions to their supervisor or the Executive Director.
  - (a) Suggestions may be anonymous.
  - (b) Written suggestions shall ultimately be forwarded to the Executive Director for consideration and possible implementation.
- (3) The agency has a *Suggestion Box* in the Owensboro Central office. The locked box is located in the back entrance hall of the Central Office. This is provided for staff who wish to make confidential *suggestions* and is not to be used for any other purpose. The Executive Director shall hold the Suggestion Box key and periodically check the box.

**Purpose of this Section:**

Employees violating AACS policies, procedures, guidelines, standards of conduct, and behavior are subject to disciplinary action up to and including termination from agency employment.

**Procedure:**

- (1) Before proceeding with disciplinary procedures, supervisors should:
  - Monitor employee performance
  - Confirm that all possible improvement plans were attempted
  - Assure that disciplinary action shall be taken privately
  - Advise and consult with the Executive Director.
- (2) Supervisors should not wait until a problem becomes serious. Whenever a specific problem develops, the supervisor should document problems, notify the employee with written warnings, and submit warnings to the Personnel Department for placement in the employee's personnel file.
- (3) Continued employee problems shall be communicated to the Executive Director. The Executive Director may advise the program director and/or supervisor(s) to:
  - Meet with the employee(s) to communicate the unacceptable behavior
  - Communicate the required action corrections and consequences if the employee fails to respond
  - Supply the employee(s) with written performance appraisal(s), warning(s), and directives for required improvement and require the employee and supervisor to sign and date documents for permanent placement in the employee's personnel file
  - Schedule a conference with the employee and the Executive Director to review "last recourse" corrective options prior to termination proceedings.

(These procedures are guidelines and are not all-inclusive, and they may not apply to every situation.)
- (4) AACS employment is "at-will" according to Kentucky law. The AACS retains the right to discipline employees for any reason and may by-pass any or all disciplinary policy procedures. Reasons for employee discipline or discharge mentioned in this manual [See Section 11.6, Item (3)] are only illustrative. The AACS reserves the right to discharge or

discipline employees for such reasons as the agency considers appropriate at the discretion and judgment of the Executive Director.

- (5) The Executive Director may also order a suspension (release from duty **with or** without pay) pending investigation as a preliminary step toward termination of employment. The employee **may** be ineligible for pay during the suspension period if he/she is subsequently terminated. However, "back pay" for the suspension period *may* be allowed if the employee is exonerated. (*Revised December 2000*)

**Purpose of this Section:**

While the AACS employs staff only on an "at-will" basis, the agency does endeavor to be humane and professional in its relationships with staff. The AACS recognizes the importance of individual employees to the organization and the prompt disposition of problems affecting their status and/or welfare. The AACS has established procedures for the orderly hearing and handling of employee conflict and dissatisfaction.

**Procedure:**

- (1) A senior management-level review may be based on:
  - Unsatisfiable salary/wages
  - Hours of work
  - Perceived unfair treatment in the administration of discipline
  - Perceived unfair or unpleasant conditions relating to employment
  - Any personnel action perceived to be unreasonable or unfair by the employee.
  - (a) Employee review requests shall be given prompt and fair consideration.
  - (b) Employee "dissatisfaction" under this policy shall *not* be construed to mean or relate to allegations or charges of discrimination involving protected classes; that is, those acts of prohibited discrimination based in federal or state law and complaints of discrimination are covered in Section 7 of this manual.
- (2) Review Procedure.
  - (a) Employees should address their supervisors orally or in writing about any conflict or dissatisfaction regarding personnel action(s) or other problem / misunderstanding taken against or involving him/her.
  - (b) If the employee feels that the matter is still unresolved, then the same matter should be addressed to the Executive Director. *(All AACS employees have the opportunity to address concerns or problems related to their employment to the Executive Director at any time).*
  - (c) An employee may choose a designated representative to present his/her problem, but such designation should be in writing unless that representative is an attorney licensed to practice law in the Commonwealth of Kentucky.

- (d) The employee should present his/her problem within thirty (30) calendar days of the event which caused the employee's concern, unless he/she can show that the 30-day time limit is prevented by circumstances beyond employee's control.
- (3) A request for conflict resolution or review of dissatisfaction may be filed only by a "regular" employee, that is, one who has successfully completed his/her 9 month Introductory Period. (Any employee, "regular" or "introductory," may only file complaints of discrimination, if applicable, based in federal/state law. See Section 7.)
- (4) **Formal Appeal and Procedures.** Regular employees whose problem is not substantially resolved through the informal review procedure may file a formal written appeal. The Executive Director may opt to forward employee problems/dissatisfactions received via the formal appeal process for a policy-level hearing, but only in exceptional cases. An example would be those cases where the Executive Director or a Head Start employee is involved in the employee conflict or dissatisfaction.

To file a formal, written conflict resolution or employee dissatisfaction review:

- (a) A written notice of request must be served to the Executive Director within thirty (30) days of an adverse employee action/decision/situation.
- (b) A date shall be set within ten (10) working days for a review of the employee's problem or dissatisfaction.
- (c) The employee, his/her supervisor, and the policy-level review committee, if any, shall be notified of the review date.
- (d) The Head Start Policy Council *may* designate a committee to participate in conflict resolution/employee dissatisfaction reviews or hear special appeals. The Policy County Committee shall be composed as required by Head Start.
- (e) Decisions on employee conflict/dissatisfaction reviews shall be rendered within five (5) days of the review meeting, and all parties shall be notified of the decision in writing by the supervisor— or the Executive Director for those reviews reaching his/her level or the policy level.

**Purpose of this Section:**

The AACS is strictly an "employment-at-will" agency. The agency's hiring/firing policy assures that management shall not illegally discriminate and that all employees shall be treated with fairness, honesty, and respect.

**Procedure:****(1) Types of terminations:**

- (a) **Voluntary Termination.** Employees may terminate their employment anytime with AACS. Exempt staff are requested to submit a written notice of resignation one month in advance from their date of departure. Non-exempt staff should give a minimum two (2) week written notice of resignation. A minimum two (2) week written notice shall be given by any employee to be paid for any accrued leave time. The notice shall contain the effective date of termination and reason for leaving. The use of accrued compensatory and annual leave will not be permitted during the last ten (10) working days.
- (b) **Reduction-In-Force.** Involuntary terminations may arise due to cutbacks in agency funding and/or programs. Efforts will be made to offer the employee any vacant position for which he/she qualifies.
  - (i) Every effort will be made to keep staff on payroll as long as budgetary possible and to provide the employee a thirty (30) day notice of termination.
  - (ii) Primary considerations in the event of staff reductions will be given to supervisory staff. Secondary consideration will be given to seniority.
  - (iii) Introductory staff will not be given priority over regular staff; regular staff on disciplinary status will be given lower standing for retention than all other regular staff not currently on disciplinary report.
  - (iv) In a reduction-in-force of a Head Start Lead Teacher position, a lead teacher with a current Interdisciplinary Early Childhood Education (IECE) certification from the Kentucky Department of Education shall be given a higher standing for retention than other lead teachers with lesser qualifications but higher seniority. *(Added June 2005)*
  - (v) "Consistent with federal Head Start requirements for hiring and maintaining degreed staff in early childhood education in Head Start classrooms and with the requirements of the Kentucky Department of

Education for hiring and maintaining IECE certified staff in Head Start/KERA blended classrooms the following consideration will apply in a reduction-in-force of a Head Start Lead Teacher position or of an Early Head Start Infant Toddler Nurturer position. In such an event, a current lead teacher or infant toddler nurturer with the following qualifications shall be given a higher standing for retention than other lead teachers or infant toddler nurturers with lesser qualifications but higher seniority. Higher standing will be given in the following order of priority: a lead teacher or infant toddler nurturer with 1) a current Interdisciplinary Early Childhood Education (IECE) certification from the Kentucky Department of Education; 2) a Bachelor's Degree or above with a Preschool Letter of Exemption from the Kentucky Department of Education; 3) a Bachelor's Degree in Early Childhood Education; 4) an Associate Degree in Early Childhood Education; and 5) an Associate Degree with a minimum of 18 qualifying hours in Early Childhood Education." *(Added June 2005)*

- (vi) Reduction-in-force termination decisions will also be based upon regular employee's Performance Appraisal scores; all other factors being equal, Performance Appraisal scores will (in inverse order) determine the order of reduction/termination.
  - (vii) Staff recalled to work within six months after a reduction-in-force, lay-off or a voluntary resignation may be restored to their full seniority. If the position in which they return is full-time, the employee's seniority and all accrued leave — except Vacation Leave already "purchased" back by the Agency — may be reinstated. *[Added December 1995]*
- (c) **Involuntary Termination.** All involuntary terminations are ordered by the Executive Director upon the recommendation of supervisory staff.
- (2) **Summary Removal.** The Executive Director may order the summary termination and/or removal of any employee who in his/her considered judgment represents a clear and present danger or threat to other employees, clients, or agency property.
- (3) **Typical Grounds for Involuntary Termination:**
- (a) Misconduct — Unacceptable conduct during working hours or off-duty. These may include a serious violation of the agency's Code of Conduct (see Section 6.2 and the *Principles of Ethical Conduct* in the Appendix of this manual), a violation specifically prohibited under AACS orders, insubordination, and other deviations from acceptable standards of employee behavior.

- (b) **Malfeasance in Office** — Wrongfully using one's position with AACS. This includes using one's position for unauthorized or illegal employee financial gain or using one's position to promote disorder or violence within the agency or community.
- (c) **Personal Unsuitability** — Emotional instability, poor attitude, breach of confidentiality, falsification or misuse of records, or use of alcohol/drugs on premises/vehicles/agency time. (This list is limited and non-inclusive.) Generally, this would include any employee behavior which limits one's effectiveness and tends to discredit the employee and/or the agency.
- (d) **Unsatisfactory Performance of Duty** — Deficiencies in job performance that may have been documented for a short-term or over an extended time. Failure to demonstrate one's proficiency and effectiveness in the job, as reflected on their Performance Approval is material evidence of this provision. Other examples under this heading would include misrepresentation, falsifying or misusing records, violating employee/client confidentiality, violating the Drug-Free Workplace requirements (see the "Drug-Free Workplace" policy in the Appendix), inability to get along with fellow staff, pattern absenteeism/tardiness, or repeat violations of the dress code or basic standards of professionalism. (Once again, this list is presented only for the purpose of providing illustrations of unacceptable employee behavior and is not intended to be all-inclusive.) *Cross Reference: See Section 6.2, "Standards of Employee Conduct."*
- (4) **Consultations and Concurrence.** Some projects require the involvement and/or concurrence of policy committees — in Head Start, for example — pertaining to the involuntary termination of project staff. AACS shall adhere to all such regulatory requirements
- (5) **Termination Explanation.** The reasons for an employee's termination may or may not, at the Executive Director's discretion, be stated. There is no legal requirement regarding advising employees *why* they are being terminated. At the point of employee termination, the Executive Director's objective is quite clearly and simply to protect the interest of the agency in all respects.
- (6) **Exit Interview/Conference.** Each employee shall have an exit interview or conference. At that face-to-face conference with his/her supervisor, project director or other designee, any agency keys, PP&P Manuals, employee badges or other agency property in the possession of the employee shall be retrieved. Unless "impossible" or otherwise

- (6) prohibitive, the employee should receive his/her last pay check and sign a General Release Form (see the Appendix.)

Whenever possible, the Executive Director (or personnel director or other designee) shall conduct an employee "Exit Interview." Its purpose is:

- (1) to ascertain insights into how the agency's working environment, management, policies and procedures are perceived;
- (2) to obtain terminating employee's assessment on agency strengths and needs—including training needs— and recommendations for agency improvement;
- (3) to seek to resolve/prevent conflict, when present; and
- (4) to seek to assure that all persons leaving the agency, whether voluntarily or not, leave with their best possible regard for the agency.

**Purpose of this Section:**

It is in the interest of the agency to regulate access to agency premises and records. Staff generally have reasonably free access, while visitors do not.

**Procedure:**

- (1) Visitors are required to "check in" with the supervisor, secretary or receptionist at each AACS location or place of business. Visitors are not permitted free access to agency premises nor any access to agency records except through formal, legally-mandated request procedures (see Section 12.1 regarding the public availability of records).
- (2) A person who is not a *current* employee is a visitor. A former employee — one no longer employed by the agency — is a visitor. All non-staff persons are subject to the Visitors Policy.

**Purpose of this Section:**

The agency's IRS 501 (c) (3) tax-exempt status and designation is the legal basis for the tax-deductibility of all private donors' contributions to the agency, its Mission and plan(s) of work. Therefore, any and all contributions for which donors seek, expect or desire supporting evidence of such contributions for tax purposes shall be made to the agency, not an/any agency program or sub-group. The agency is under no obligation to provide supporting evidence of its tax-exempt status or the receipt of donor/taxpayer — presumed tax-deductible gifts unless such gifts are appropriately presented by the donor/taxpayer and received on behalf of the agency by the executive director — who shall be responsible for providing donors' the IRS-required documentation for eligible gifts under this policy. This policy does not preclude donors from earmarking gifts for designated purposes so long as the executive director concurs in writing at the time such gifts are accepted.

- (1) Donations, gifts, bequests, etc. shall be made to *Audubon Area Community Services, Inc.* in all cases where the donor or benefactor intends, desires, or requests to claim the contribution as a tax deduction. The U.S. Internal Revenue Service (IRS) has strict requirements regarding the documentation and use of tax-deductible contributions to 501 (c)(3) tax exempt corporations.
- (2) The AACS, Inc executive director or his/her designee(s) shall be responsible for receiving *eligible* (for tax exemption) gifts, explaining the transaction and documentation requirements pursuant to this policy, and (where appropriate) providing the donor(s) appropriate verification of the agency's receipt and (if known or designated) the proposed use of the gift(s).
- (3) Donors may earmark or designate gifts for specific purposes according to their desire, but such restrictions will only be binding if agreed in writing on behalf of the agency by the executive director. Donors will be encouraged to allow the agency Board of Directors flexibility in determining the usage of contributions and gifts.
- (4) Donations of any kind made directly to any agency program but not through the central administration and accounting shall not be eligible for treatment as a legitimate tax-deductible gift received by the agency. *Only the agency is tax-exempt, not its sponsored projects; therefore, only gifts made to and received by the agency qualify for tax deductibility.*
- (5) All funds, property, securities, or other tangible assets received by the agency shall be safeguarded, handled through and accounted for by the agency's financial and accounting systems in accordance with approved procedures and requirements.

- (6) **Non-Federal Share Contributions.** This policy is not intended to hamper or interfere with the acquisition, accounting and use of non-federal share "matching" share contributions — including "in-kind" — which are required by most of the agency's federal and federal-state pass-through grants. The executive director shall take care to ensure that this policy does not deter the agency's ability to generate required matching share monies for its grants.
- (7) Staff shall advise donors of the requirements and limitations of this policy and its potential impact on the treatment of their gift(s) with respect to federal-state tax consequences, that is, the potential deductibility of their contributions.

**Purpose of this Section:**

On occasion, certain pieces of so-called "personal" mail may arrive at the agency post office box(es) or address(es); sometimes it is labeled — such as "personal," "confidential," etc.; sometimes not. It is the agency intent to respect *private* communications; however, staff are advised that the agency address is *not* the place to receive such mail and *all* mail received at an agency address is deemed to be agency-related mail. Any mail received at an agency address may be opened and distributed accordingly to usual practice. In most cases, that means that a secretary or clerk will open and distribute all mail received. All staff should take prior care to see that "private" or "personal" mail is sent to other than an agency address *if* they would object to its being opened, seen, or known by other co-workers.

- (1) All mail — including E-Mail (electronic mail) received at an agency address is considered on face value to constitute agency and business mail.
- (2) All staff shall give their agency address for the receipt of agency/business mail; *if* they should receive personal or private mail at the business address, it will be handled the same as any other piece of business mail.
- (3) Staff shall provide correspondents their desired non-agency address should they wish to receive mail of a personal, private, or confidential nature.
- (4) The agency staff will not blatantly disregard restrictive notations on mail addressed to its staff. If observed or noted, these will be respected, but the fact is that in practice most pieces of mail are opened before being reviewed, sorted, and distributed. The agency will assume no responsibility for such mail opened "by mistake" or for the unintentional disclosure or observation of the contents therein.
- (5) The agency assumes no responsibility for forwarding mail sent to individuals at an agency address.
- (6) It is our understanding that this general issue has been tested in the highest courts of the U.S. and that by case law decision, and thus by definition, *all* mail received at a business address is in fact *always* deemed to be "business mail."

*Therefore, any and all staff with concern over their "personal" mail being opened at the agency address should take prior care that their private correspondence be sent elsewhere.*